

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
DONALD E. GLASS,**

**Petitioner,**

**9:18-cv-517  
(GLS/DJS)**

**v.**

**SUPERINTENDENT,**

**Respondent.**

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PETITIONER:**

DONALD E. GLASS

*Pro Se*

15-A-0494

Green Haven Correctional Facility

P.O. Box 4000

Stormville, NY 12582

**FOR RESPONDENT:**

HON. LETITIA JAMES

New York State Attorney General

28 Liberty Street

New York, NY 10005

JAMES FOSTER GIBBONS

Assistant Attorney General

**Gary L. Sharpe**

**Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge Daniel J. Stewart, duly filed July 30, 2021. (Dkt. No. 30.) Following fourteen days from the

service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed,<sup>1</sup> and the court having reviewed the R&R for clear error, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 30) is **ADOPTED** in its entirety; and it is further

**ORDERED** that the petition (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

**ORDERED** that no certificate of appealability shall issue because petitioner has failed to make a “substantial showing of the denial of a constitutional right” as required by 28 U.S.C. § 2253(c)(2)<sup>2</sup>; and it is further

**ORDERED** that the Clerk close this case; and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

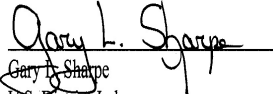
**IT IS SO ORDERED.**

---

<sup>1</sup> On August 11, 2021 and August 12, 2021, plaintiff filed letters that do not raise any objections to the R&R.

<sup>2</sup> See *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); see also *Richardson v. Greene*, 497 F.3d 212, 217 (2d Cir. 2007) (holding that, if the court denies a habeas petition on procedural grounds, “the certificate of appealability must show that jurists of reason would find debatable two issues: (1) that the district court was correct in its procedural ruling, and (2) that the applicant has established a valid constitutional violation”).

August 31, 2021  
Albany, New York

  
\_\_\_\_\_  
Gary L. Sharpe  
U.S. District Judge